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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,795	07/31/2006	Helmut Rembold	3738	4039
7590	08/13/2008		EXAMINER	
STRIKER, STRIKER & STENBY 103 East Neck Road Huntington, NY 11743			WILLOUGHBY, TERRENCE RONIQUE	
			ART UNIT	PAPER NUMBER
			2836	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/587,795	REMBOLD, HELMUT	
	<b>Examiner</b>	<b>Art Unit</b>	
	TERRENCE R. WILLOUGHBY	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 July 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 7/31/06 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 9/5/06;7/31/06;5/12/08.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Objections***

1. Claim 3 recites the limitation "the current (I)" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.
2. Claim 4 recites the limitation "the value" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 5 recites the limitation "the value" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 5 recites the limitation "the fuel supply control valve" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites "a current flows that is at least so great that a minimum holding force of the fuel supply control valve is ensured" is indefinite because the examiner is unclear what is meant by a minimum holding force. Figs. 5 and 6 disclose the voltage and current in relation to a time period when the solenoid valve reaches its desired

displacement. However, looking at the second point in time ( $t_2$ ) and between a third point in time ( $t_3$ ), a holding current is shown in Fig. 6 which is between ( $t_2$ ) and ( $t_3$ ). Looking at the graphs and the third point in time ( $t_3$ ) and a fourth point in time (not shown), when the voltages applied to the coil of the solenoid valve is essentially decreasing (i.e. shown in Fig. 5), the current (i.e. shown in Fig. 6) is also decreasing from a third point in time ( $t_3$ ). Therefore a minimum holding force can't be at the third point in time ( $t_3$ ) because the current has already starting decreasing from the holding current. For the purpose of examination, the examiner will interpret the claim as starting at a third point in time, a fourth voltage is applied to the coil of the solenoid valve of which is essentially less than that of the third voltage, and a current is decreasing to a minimum value.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson et al. (US 5,678,521).

9. Regarding claims 1 and 7, Thompson et al. in (Fig. 20), discloses a method for controlling a solenoid valve, particularly in a motor vehicle, in the case of which a first voltage (i.e. from  $T_0$  to  $T_1$ ) is applied to a coil of the solenoid valve (see Fig. 19, (20))

until a first point in time ( $T_1$ ), then a second voltage (i.e. from  $T_1$  to  $T_2$ ) with a smaller value is applied, wherein the first point in time ( $T_1$ ) precedes the point in time at which the solenoid valve (see Fig. 19, (20)) reaches its final position (col. 36, ll. 61 thru col. 37, ll. 1-23).

2. Regarding claim 2, Thompson et al. in (Fig. 20), discloses the method as recited in claim 1, wherein the second voltage (i.e. from  $T_1$  to  $T_2$ ) is at least so great that the final position of the solenoid valve is reached (col. 37, ll. 1-10).

3. Regarding claim 3, Thompson et al. in (Fig. 20), discloses the method as recited in claim 1. Further, Thompson et al. discloses the relationship of flux density (B) and the field intensity (H) to move the solenoid valve very quickly (see Fig. 18, and col. 36, ll. 37-49), while also avoiding core saturation (col. 36, ll. 50-65). Since the core saturation is avoided in the technique of using the boosting circuit which provides increased force levels and different voltage levels (col. 36, ll. 51-57 and col. 37, ll. 1-20),  $\mu$  is assumed approximately constant (i.e.  $\mu \approx$  constant) in order to avoid core saturation as illustrated in (Fig. 18), therefore assuming  $\mu$  is constant, the flux density (B)  $\approx$  (I) current based

on equation: flux density (B) =  $H \cdot \mu \approx \frac{I \cdot N}{L} \cdot \mu$ ,. Therefore, Thompson et al. in (Fig. 20, the second graph labeled (B), discloses after the time ( $T_1$ ) an increase in (B) and therefore an increase in current while the second voltage (i.e. see Fig. 20, the first graph, from  $T_1$  to  $T_2$ ) is being applied.

10. Regarding claim 4, Thompson et al. in (Fig. 20), discloses the method as recited in claim 1, wherein starting at a point in time, a third voltage (i.e. from  $T_2$  to T) is applied

to the coil of the solenoid valve (see Fig. 19, (20)), the value of which is essentially equal to or less than that of the second voltage (i.e. from  $T_1$  to  $T_2$ ) and does not allow the current to increase further as compared with the second voltage (i.e. from  $T_1$  to  $T_2$ ). As discussed in claim 3 above, assuming the flux density ( $B$ )  $\approx$  (I). Thompson et al. discloses in (Fig. 20), the current not increasing from the third voltage (i.e. from  $T_2$  to  $T$ ).

6. Regarding claim 6, Thompson et al. discloses the method as recited in Claim 1, wherein the effective voltage of at least one of the voltages ( $U_1$ ,  $U_2$ ,  $U_3$ ,  $U_4$ ) applied to the coil of the solenoid valve is influenced via pulse-width modulation (col. 17, II. 45-51).

11. Regarding claim 8, Thompson et al. discloses the method as recited in Claim 7, wherein the points in time and the electrical voltages are stored in a program map as a function of operating variables (col. 18, II. 34-39 and II. 50-55 and col. 19, II. 5-9).

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 5,678,521) in view of Weber (US 5,381,297).

Regarding claim 5, Thompson et al. discloses the method as recited in claim 1, except for wherein starting at a third point in time, a fourth voltage is applied to the coil

of the solenoid valve of which is essentially less than that of the third voltage, and a current is decreasing to a minimum value.

However, Weber et al. in (Figs. 3-4), discloses starting at a third point in time (i.e. see Fig. 3, (24)), a fourth voltage (i.e. a negative voltage of -15 V) is applied to the coil of the solenoid valve of which is essentially less than that of the third voltage (i.e. see Fig. 3, (23), which is a positive 12V), and wherein a current is decreasing to a minimum value (i.e. see Fig. 4, (23-24), which shows the current decreasing to a minimum value between the third and fourth stages (Fig. 4, (23-24))).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Weber et al. wherein a fourth voltage is applied to a coil of a solenoid valve of which is essentially less than that of a third voltage, and wherein the current is decreasing to a minimum value in the solenoid valve device of Thompson et al. to effectively actuate the solenoid valve device with improved quickness.

14. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 5,678,521) in view Coates et al. (US 6,807,947).

15. Regarding claim 9, Thompson et al. discloses the method of controlling a solenoid valve, except for storing a computer program product with program code that is stored on a machine-readable storage device for carrying out the method as recited in Claim 1 when the program is run on a computer.

However, Coates et al discloses a method for controlling fuel/or pressure in an internal combustion engine comprising a computer program in the form of a computer program product having a program code for executing all steps of the method (col. 2, ll. 20-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Coates et al. in the solenoid valve device Thompson et al. so that the method according to claim is executable when the medium is integrated in a controller/ computer for an internal combustion engine of a motor vehicle.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERENCE R. WILLOUGHBY whose telephone number is (571)272-2725. The examiner can normally be reached on 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Sherry/  
Supervisory Patent Examiner, Art Unit 2836

TRW  
8/7/08